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ATTORNEYS FOR: Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY CHARLES MATTOS,

Defendant.

No. 2:04-cr-0308-MCE

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE HEARING FROM, ,
FEBRUARY 7, 2006; TO FEBRUARY
21, 2006 EXCLUSION OF TIME

HON. MORRISON C. ENGLAND

It is hereby stipulated by the defendant through his undersigned counsel, and the United States, through it's undersigned counsel, that the date now set for a Status Conference Hearing, February 7, at 8:30 am; be continued without appearance to February 21, 2006 at 8:30 am, and that time under the Speedy Trial Act should be excluded through that date.

The Court is aware of the nature of the case and the efforts the parties have made to resolve it and the civil litigation still pending in the District of New Jersey.

At this point, the parties have determined that rather than trying to accomplish what has that difficult logistical feat, that we will attempt to resolve the criminal case and let the civil case proceed to whatever end it reaches. As the Court was notified in the last Stipulation, the parties have been in negotiation concerning a disposition of the case and have even met with the Supervising Probation Officer to discuss the "loss" issue with her.

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2 Unfortunately, there was some misunderstanding as to the status of the pins
3 which Defendant sold and the parties will need to do some further review before there
4 can be a determination of whether there will be agreement on the loss or whether the
5 parties each will argue their positions to the Court.

6 While the parties desire to eliminate as many issues as possible, we believe it
7 will take some time to resolve everything, but are optimistic that the issue can be
8 resolved in time for a plea to be entered on February 21st.

9 As in the past, AUSA Stegman and I have discussed the status of the case and
10 stipulate to this request and Mr. Stegman has requested that I file this Stipulation and
11 Order and has again allowed me to sign his name to this Stipulation & Proposed Order.

12 The parties further stipulate that time be excluded pursuant to the Speedy Trial
13 Act, 18 U.S.C. §3161(h)(8)(B)(ii), complexity of the case and (iv) to allow sufficient time
14 for counsel to be prepared; [Local Codes T2 and T4], until the next appearance, on
15 February 21, 2006 or by further order of this Court.

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17 Dated: February 6, 2006

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McGREGOR W. SCOTT
United States Attorney

By: _____/S/_____
MATTHEW STEGMAN
Assistant U. S. Attorney

By: _____/S/_____
CHRISTOPHER H. WING
Attorney for Defendant


[PROPOSED] ORDER

This matter having come on before me pursuant to the stipulation of the parties and good cause appearing therefore,

IT IS ORDERED THAT: the Status Conference Hearing now set for February 7, 2006 at 8:30 am is vacated and the matter set for a Status Conference Hearing on, February 21, 2006 at 8:30 am.

Further, the Court finds that time is excluded based upon the representation of the parties and such time will be excluded pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(ii), complexity of the case and (iv) to allow sufficient time for counsel to be prepared; [Local Codes T2 and T4], until the next appearance, on February 21, 2006 or by further order of this Court.

Dated: February 7, 2006


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE